

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN BOYD, et al., on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

AWB LIMITED and AWB (U.S.A.)
LIMITED,

Defendants.

MELVIN ERB, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

AWB LIMITED and AWB (U.S.A.)
LIMITED,

Defendants.

DENNIS BROTHERS, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

AWB LIMITED and AWB (U.S.A.)
LIMITED,

Defendants.

Civil Action No. 1:07 CV 3007 (GEL)

ELECTRONICALLY FILED

Civil Action No. 1:07 CV 3880 (GEL)

ELECTRONICALLY FILED

Civil Action No. 1:07 CV 5649

ELECTRONICALLY FILED

**STIPULATION AND (PROPOSED) ORDER REGARDING
CONSOLIDATION AND THE FILING OF A CONSOLIDATED COMPLAINT**

This Stipulation is entered into by and among Plaintiffs John Boyd, Veryl Switzer, Gillan Alexander, Rod Bradshaw, Wilburt Howard, Pat Dailey, Melvin Erb, and Dennis Brothers (collectively "Plaintiffs"), and Defendants AWB Limited and AWB (U.S.A.) Limited (collectively "Defendants"), through their attorneys of record.

WHEREAS, on April 16, 2007, plaintiffs John Boyd, Veryl Switzer, Gillan Alexander, Rod Bradshaw, Wilburt Howard, and Pat Dailey filed a complaint against Defendants on behalf of a putative class of U.S. hard red winter wheat farmers for damages allegedly sustained as a result of Defendants' alleged conduct in the Iraqi wheat market, captioned *John Boyd, et al. v. AWB Limited, et al.*, Civil Action No. 1:07 CV 3007 (GEL) (the "Boyd Action");

WHEREAS, on May 17, 2007, plaintiff Melvin Erb filed a complaint against Defendants on behalf of a putative class of U.S. hard red winter wheat farmers for damages allegedly sustained as a result of Defendants' alleged conduct in the Iraqi wheat market, captioned *Melvin Erb v. AWB Limited, et al.*, Civil Action No. 1:07 CV 3880 (GEL) (the "Erb Action");

WHEREAS, the Boyd Action and the Erb Action were each assigned to the Honorable Gerard E. Lynch, on April 19, 2007, and May 25, 2007, respectively;

WHEREAS, on June 13, 2007, plaintiff Dennis Brothers also filed a complaint against Defendants on behalf of a putative class of U.S. hard red winter wheat farmers for damages allegedly sustained as a result of Defendants' alleged conduct in the Iraqi wheat market, captioned *Dennis Brothers v. AWB Limited, et al.*, Civil Action No. 1:07 CV 5649 (the "Brothers Action"), such case having not yet been assigned;

NOW, THEREFORE, IT IS STIPULATED AND AGREED, by and among the parties to the Boyd Action, the Erb Action and the Brothers Action, through their undersigned counsel:

Consolidation

1. The Boyd Action (filed April 16, 2007), Erb Action (filed May 17, 2007), and Brothers Action (filed June 13, 2007) are hereby consolidated for all purposes including pre-trial and trial proceedings under the following caption (the "Consolidated Action"):

JOHN BOYD, VERYL SWITZER,
GILLAN ALEXANDER, ROD
BRADSHAW, WILBURT HOWARD,
PAT DAILEY, MELVIN ERB, and
DENNIS BROTHERS on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

AWB LIMITED and AWB (U.S.A.)
LIMITED,

Defendants.

Civil Action No. 1:07 CV 3007 (GEL)

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2. Each and every action filed in, or transferred to, this Court that (a) is brought by or on behalf of one or more U.S. wheat farmers as plaintiff(s); (b) names either or both of the Defendants as a defendant; and (c) asserts claims that are the same as or substantially similar to the claims asserted in the Consolidated Complaint referred to in paragraph 6 hereof shall be deemed a case related to the Consolidated Action (each such other action being hereinafter referred to as a "Related Action").

3. Each Related Action shall be governed by the terms of this Order and shall be consolidated for all purposes with the Consolidated Action.

4. All papers previously filed and served to date in any of the cases consolidated herein are deemed to be, and are hereby, adopted as part of the record in the Consolidated Action.

5. This Stipulation shall be filed in the Boyd Action, Erb Action and Brothers Action, and the entry of this Stipulation shall be docketed in each of those Actions. All subsequent papers filed by Plaintiffs and Defendants under the consolidated caption shall be filed only in the Consolidated Action.

The Consolidated Complaint

6. Plaintiffs served a Consolidated Complaint upon Defendants on June 15, 2007. Plaintiffs shall file that Consolidated Complaint in the Consolidated Action, in accordance with paragraphs 1 and 5 herein, once this Stipulation and (Proposed) Order has been so ordered by this Court. That Consolidated Complaint shall supersede the existing complaints filed in the Boyd Action, Erb Action and Brothers Action. Defendants will file motions to dismiss or otherwise file responsive pleadings only to the Consolidated Complaint. Defendants are not required to, and will not, move against, answer or otherwise respond to the existing complaints originally filed in the Boyd Action, the Erb Action and the Brothers Action.

7. The schedule for Defendants to move against, answer or otherwise respond to the Consolidated Complaint shall be as set forth in the Stipulation filed in the Boyd Action on May 14, 2007, and so ordered by this Court on May 31, 2007. All other provisions of that Stipulation and Order, as well as the previous Stipulation and Order in the Boyd Action so

ordered by this Court on May 7, 2007, that are not expressly altered or amended herein shall remain in full force and effect.

Dated: June 28, 2007

COHEN, MILSTEIN, HAUSFELD & TOLL,
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by

/s/


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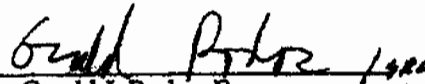
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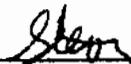
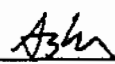
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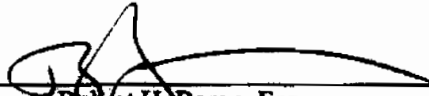
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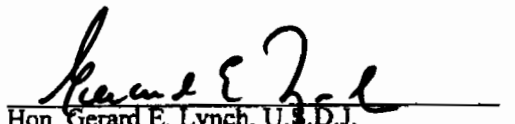


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SO ORDERED:


Hon. Gerard E. Lynch, U.S.D.J. *pro*
7/6/07